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Telephone: (510) 637-3500  
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Counsel for Defendant POLLARD  
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7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-07-0682 SBA
	)	
12 Plaintiff,	)	<b>DECLARATION OF COLLEEN</b>
	)	<b>MARTIN IN SUPPORT OF</b>
13 vs.	)	<b>APPLICATION FOR ORDER</b>
	)	<b>DIRECTING THE GLENN DYER</b>
14 TYRONE POLLARD,	)	<b>FACILITY TO PERMIT TYRONE</b>
	)	<b>POLLARD TO POSSESS A TAPE-</b>
15 Defendant.	)	<b>PLAYER</b>
	)	

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17 I, Colleen Martin, hereby declare:

18 1. I am an Assistant Federal Public Defender for the Northern District of California,  
19 Oakland Division. My office has been appointed to represent Tyrone Pollard in the above-  
20 captioned case.

21 2. Mr. Pollard is charged with possession of cocaine base with intent to distribute  
22 (21 U.S.C. § 841(a)(1), (b)(2)(B)(iii)). He is currently in custody in the Glenn Dyer Facility in  
23 Oakland, California.

24 3. The parties have submitted to the Court a proposed plea agreement pursuant to  
25 Federal Rule of Criminal Procedure 11(c)(1)(C). The matter is set for change of plea and  
26 sentencing on June 3, 2008.

1           4.       The government has provided the defense with a recording of the dispatch tape  
2 relevant to his arrest. Mr. Pollard needs to listen to the recording to assess its accuracy and  
3 authenticity, since the circumstances of his arrest may be relevant at sentencing.

4           5.       I am informed and believe that the Glenn Dyer Facility will permit Mr. Pollard to  
5 possess a tape-player and a tape with a verbatim copy of the recording produced by the  
6 government in discovery in order to enable him to listen to it, but that the Facility will permit this  
7 to happen only if Mr. Pollard obtains a court order. I am further informed and believe that the  
8 tape-player must not have a radio and must not have metal earphones.

9           6.       On April 16, 2008, I informed government counsel Assistant United States  
10 Attorney Garth Hire about this request. Mr. Hire has no objection to this request.

11           I declare under penalty of perjury that the foregoing is true and correct, except for those  
12 matters stated on information and belief, and as to those matters, I am informed and believe them  
13 to be true.

14           Executed this 17th date of April, 2008, in the City of Oakland, County of Alameda, State  
15 of California.

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18                               /S/  
COLLEEN MARTIN  
Assistant Federal Public Defender  
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